

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTONWILFRID JOSUE ALPHONSE
ONGAGOU,

Plaintiff,

v.

UNITED STATES OF AMERICA, et
al.,

Defendants.

NO. CV-09-273-EFS

**ORDER DENYING DEFENDANTS'
MOTION TO DISMISS**

On September 3, 2009, Plaintiff filed a Complaint alleging that he was wrongfully denied a United States passport. (Ct. Rec. [1](#).) In that Complaint, Plaintiff alleged that this Court has jurisdiction over his claim under 28 U.S.C. § 2201. On November 2, 2009, Defendants moved to dismiss on the basis that the statutory provision Plaintiff cited for jurisdiction does not confer jurisdiction where none otherwise exists. (Ct. Rec. [5](#).) Subsequently, on November 11, 2009, Plaintiff filed an Amended Complaint. (Ct. Rec. [8](#).) In the amended complaint, he cited 28 U.S.C. §§ 1331, 1346(a)(2), 2201 as the bases for jurisdiction. Because Plaintiff's Amended Complaint presents a federal question and the United States is a Defendant, the Court finds that it has jurisdiction over this case. See 28 U.S.C. §§ 1331, 1346(a)(2).

Accordingly, **IT IS HEREBY ORDERED:** Defendants' Motion to Dismiss (Ct. Rec. [5](#)) is **DENIED**.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and forward a copy to Plaintiff.

DATED this 17th day of December 2009.

s/Edward F. Shea
EDWARD F. SHEA
UNITED STATES DISTRICT JUDGE

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